

## P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas N. Turba et al.

Serial No.: 10/027,931

Examiner: Y. Wu

Filed : December 21, 2001

Group Art Unit: 2175

For : XML INPUT DEFINITION TABLE FOR TRANSFORMING  
XML DATA TO INTERNAL FORMAT

Docket No.: 33012/328/101

REQUEST FOR REFUND

Refund Branch  
Commissioner for Patents  
Attn: Refund Section Accounting  
Division  
Office of Finance  
P.O. Box 1450  
Alexandria, VA 22313-1450

\$1650.00

Sir:

This is a request for a refund with respect to the charge to Deposit Account No. 14-0620 shown on the statement dated May 2005 for the above-referenced patent application. A copy of the monthly statement in which the error referred to occurs, accompanies this request.

The fees charged for which a refund is requested is a Request for Continued Examination in the amount of \$790.00, as posted on the monthly statement of account under Sequence No. 56 dated May 10, 2005.

A Request for Continued Examination, and a check in the amount

of \$1,770.00 (fee for Request for Examination) were filed with the U.S. Patent and Trademark Office on May 4, 2005, as evidenced by the attached mail room receipt card. These documents were filed in response to an outstanding Final Office Action dated January 4, 2005. The fee included a one-month extension of time (\$120.00) for response within four months set to expire, i.e., May 4, 2005, as well as a miscalculation of fees resulting in an overpayment of \$860.00.

Enclosed is a copy of our cancelled Check No. 25705 in the amount of \$1,770.00 for the Request for Continued Examination fee and Extension of Time fee.

Please credit our Deposit Account No. 14-0620 in the amount of \$790.00 (Charge posted May 10, 2005, Seq. No. 56) and \$860.00 (overpayment on the Request for Continued Examination filed on May 4, 2005).

Respectfully Submitted,

Date:

June 29, 2005

Lorita M. Bosley

Lorita M. Bosley  
NAWROCKI, ROONEY & SIVERTSON, P.A.  
Suite 401, Broadway Place East  
3433 Broadway Street Northeast  
Minneapolis, MN 55413  
Customer No. 05909  
Telephone: (612) 331-1464  
Facsimile: (612) 331-2239

11/23/05 11:25 FAX 612 331 2239

N R & S LAW FIRM

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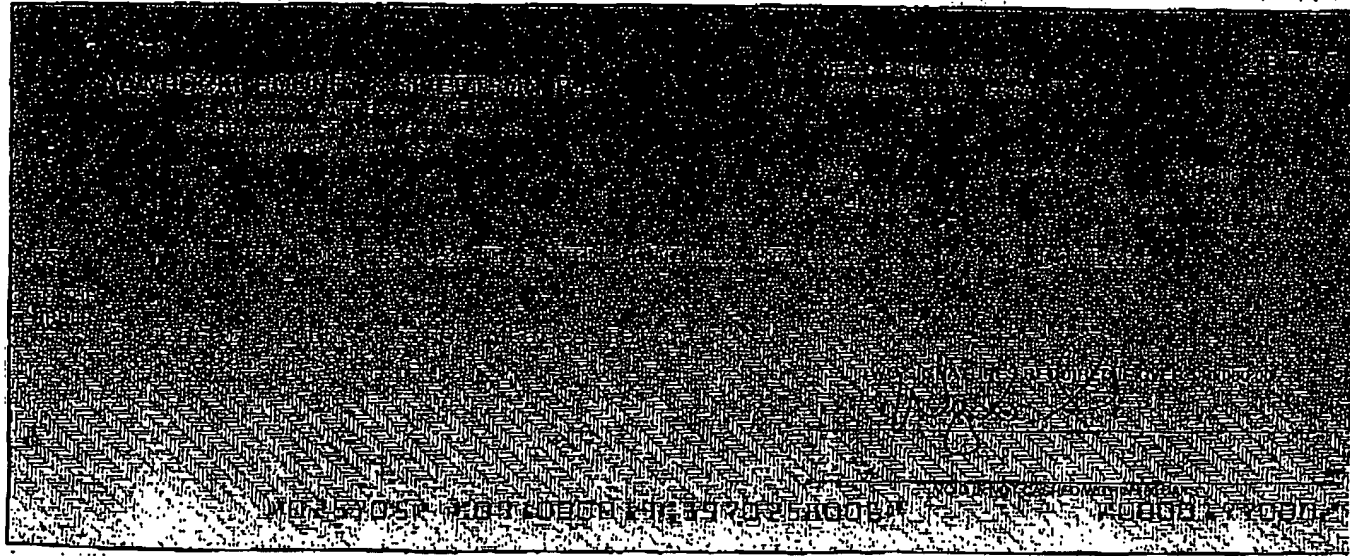
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13-10-0081  
05-10-2005  
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U.S. TREASURY



IE 6/7 \* RCVD AT 11/23/2005 12:25:26 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-6/25 \* DNIS:2736500 \* CSID:612 331 2239 \* DURATION (mm-ss):03-50

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This ☐ hereby acknowledge receipt of the following documents by the U.S. Patent and Trademark Office:

Check for \$1,770.00; Request for Continued Examination (RCE) Transmittal; Request for Continued Examination (RCE) (37 CFR § 1.114); Preliminary Amendment with respect to the following:

Applicant: Thomas N. Turba et al.  
Serial No: 10/027,931  
Filed : December 21, 2001  
For : XML INPUT DEFINITION TABLE FOR TRANSFORMING XML DATA TO INTERNAL FORMAT

File No. 33012/328/107  
Date: May 4, 2005

LMN:cie

RA-510



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11/23/05 11:23 FAX 612 331 2239

N R & S LAW FIRM

001

## NAWROCKI, ROONEY & SIVERTSON, P.A.

WAYNE A. SIVERTSON  
JOHN L. ROONEY  
LAWRENCE M. NAWROCKI  
DONALD A. JACOBSON  
RICHARD C. STEMP KOVSKI, JR.

ATTORNEYS AT LAW  
PATENT TRADEMARK AND COPYRIGHT LAW  
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3433 BROADWAY STREET NORTHEAST  
MINNEAPOLIS, MINNESOTA 55413

E-MAIL: [lp@nrslaw.com](mailto:lp@nrslaw.com)  
TELEPHONE: (612) 331-1464  
FACSIMILE: (612) 331-2239  
OR (612) 379-7569

PATENT AND TRADEMARK  
775 NOV 23 11:30 AM  
US PATENT AND TRADEMARK  
OFFICE  
EDWARD L. SCHWARZ  
Of Counsel  
LEW SCHWARTZ  
Retired

### FAX TRANSMITTAL COVER SHEET

TO: REFUND DEPARTMENT  
COMPANY: UNITED STATES PATENT AND TRADEMARK OFFICE  
FAX NO.: 571-273-6500  
FROM: JOHN L. ROONEY AND LORITA M. BOSLEY  
RE: 10/027,931  
DATE: NOVEMBER 23, 2005 TIME SENT:  
NO. PAGES: 7 SENT BY: CAROLYN

Please notify us at 612-331-1464 if all pages are not received.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

#### COMMENTS:

Enclosed please find a copy of a REQUEST FOR REFUND and supporting documentation filed on June 29, 2005 which was faxed to 703-308-5077. Please acknowledge receipt of this request.

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E 1/7 \* RCVD AT 11/23/2005 12:25:26 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/25 \* DNS:2736500 \* CSID:612 331 2239 \* DURATION (mm-ss):03-50

**NAWROCKI, ROONEY & SIVERTSON, P.A.**

WAYNE A. SIVERTSON  
JOHN L. ROONEY  
LAWRENCE M. NAWROCKI  
DONALD A. JACOBSON  
RICHARD C. STEMPLKOVSKI, JR.

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OR (612) 379-7569

EDWARD L. SCHWARZ  
Of Counsel

LEW SCHWARTZ  
Retired

**FAX TRANSMITTAL COVER SHEET**

TO : Refund Section

COMPANY : United States Patent and Trademark Office

FROM : Lorita M. Bosley / John L. Rooney (Deposit Acct. No. 14-0620)

RE : Applicant : Thomas N. Turba et al.  
Serial No. : 10/027,931

DATE : June 29, 2005

FAX NUMBER : (703) 308-5077

NO. OF PAGES : 31

ENCLOSURES : Request for Refund; Copy of Deposit Account Statement of May 2005;  
Copy of Cancelled Check No. 25705; Copy of RCE package mailed on  
May 4, 2005

COMMENTS :

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper and the documents described herein are being facsimile transmitted  
to the United States Patent and Trademark Office

Carolyn L. Erickson

Type or print name of person signing certification

  
Signature

June 29, 2005

Date

PLEASE CALL Carolyn AT (612) 331-1464 IF ALL PAGES ARE NOT RECEIVED.

IE 2/7 \* RCVD AT 11/23/2005 12:25:26 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-6/25 \* DNIS:2736500 \* CSID:612 331 2239 \* DURATION (mm-ss):03-50

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RCE  
JFW

PTO/SB/30 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/027,931
Filing Date	December 21, 2001
First Named Inventor	Thomas N. Turba et al.
Art Unit	2175
Examiner Name	Y. Wu
Attorney Docket Number	33012/328/101

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☒ Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/ Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 14-0620. I have enclosed a duplicate copy of this sheet.
  - ☐ RCE fee required under 37 CFR 1.17(e) : 05/10/2005 SSESHE1 00000033 140620 10027931
  - ☐ Extension of time fee (37 CFR 1.136 and 1.17) 07 FC:1801 790.00 DA
  - ☐ Other \_\_\_\_\_
  - ☒ Check in the amount of \$ 1,770.00 enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Signature	Date 5/4/05
Name (Print/Type) Wayne A. Shertson	Registration No. 25,645

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	Date 5/4/05
Name (Print/Type) Carolyn L. Erickson	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 12/23/2005 SDIRETA1  
05/10/2005 SSESHE1 00000033 140620 10027931  
07 FC:1801 790.00 CR

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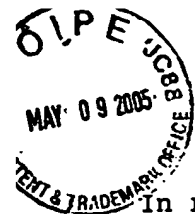
12/23/2005 SDIRETA1 00000004 10027931

01 FC:1801 790.00 CR

Rep'n. Ref: 12/23/2005 SDIRETA1 0009444800

DAH:140620 Name/Number:10027931 \$860.00 CR

FC: 9204



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Thomas N. Turba et al.

Serial No.: 10/027,931

Examiner: Y. Wu

Filing Date: December 21, 2001

Group Art Unit: 2175

For: XML INPUT DEFINITION TABLE FOR TRANSFORMING  
XML DATA TO INTERNAL FORMAT

Docket No.: 33012/328/101

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 24th day of May, 2005

5/4/05

Carolyn A. Erickson

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application

12/23/2005 SDIRETA1 00000004 10027931

02 FC:1251

120.00 OP

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05/10/2005 SSESHE1 00000033 140620 10027931

06 FC:1251 120.00 OP

Adjustment date: 12/23/2005 SDIRETA1  
05/10/2005 SSESHE1 00000033 140620 10027931  
-120.00 OP  
06 FC:1251





P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Thomas N. Turba et al. ) Examiner Y. Wu  
Serial No. 10/027,931 ) Group Art Unit 2175  
Filing Date: 12/21/01 ) Docket No. 33012/328/101  
For: XML INPUT DEFINITION ) PRELIMINARY AMENDMENT  
TABLE FOR TRANSFORMING )  
XML DATA TO INTERNAL )  
FORMAT )

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Box AF, Assistant Commissioner for Patents, Washington, D.C., 20231 on this 4<sup>th</sup> day of May, 20 05.

By \_\_\_\_\_  
Carolyn I. Erickson

1

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05/10/2005 SSESHE1 00000033 140620 10027931  
01 FC:1011 300.00 OP  
02 FC:1111 500.00 OP  
03 FC:1311 200.00 OP  
04 FC:1201 400.00 OP  
05 FC:1202 250.00 OP  
Adjustment date: 12/23/2005 SDIRETA1 10027931  
05/10/2005 SSESHE1 00000033 140620 -300.00 OP  
01 FC:1011 -500.00 OP  
02 FC:1111 -200.00 OP  
03 FC:1311 -400.00 OP  
04 FC:1201 -250.00 OP  
05 FC:1202

- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
  - ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

#### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

#### FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)  
\$500.00
- ☒ Other than a small entity  
\$1,000.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
FILING FEE				\$150		\$300
TOTAL CLAIMS	25-20 =	5	x25=	\$	x50=	\$250
INDEPENDENT CLAIMS	5 -3 =	2	x100=	\$	x200=	\$400
SEARCH FEE				\$250		\$500
EXAM FEE				\$100		\$200
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+180=	\$	+360=	\$ 0
TOTAL			\$		\$1,650.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$ 650.00.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than <u>small entity</u>	Fee for small <u>entity</u>
<input checked="" type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Fee: \$ 120.00

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 120.00

OR

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (\$ 1.17(e))	\$ <u>1,000.00</u>
Fee(s) for additional claims (if any) (\$ 1.16(b)-(d))	\$ <u>650.00</u>
Extension of time fee (if any) (\$ 1.17(a)(1)-(4))	\$ <u>120.00</u>

Total Fee(s) Due \$ 1,770.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,770.00
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_
- ☒ Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of

- the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

**DEFERRAL OF EXAMINATION**

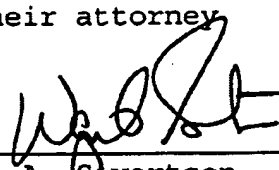
10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

Thomas N. Turba et al.

By their attorney

Date May 4, 2005

  
\_\_\_\_\_  
Wayne A. Sivertson  
Reg. No. 25,645  
NAWROCKI, ROONEY & SIVERTSON, P.A.  
Suite 401, Broadway Place East  
3433 Broadway St. N.E.  
Minneapolis, MN 55413  
(612) 331-1464

## Deposit Account Statement

Page 1 of 1


**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

Requested Statement Month: May 2005  
 Deposit Account Number: 140620  
 Name: NAWROCKI, ROONEY & SIVERTSON  
 Attention:  
 Address: BROADWAY PLACE EAST SUITE 401  
 City: MINNEAPOLIS  
 State: MN  
 Zip: 55413  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/10	56	10027931	<del>27646</del> 37012-328101	1801	\$790.00	\$5,707.40 <i>LEE</i>
05/11	56	76583602	55884/401/101	6001	\$50.00	\$5,657.40
05/12	85	5682953	19421.101101	9204	-\$1,150.00	\$6,807.40 <i>cr. maint. fee</i>
05/13	147	09714072	37012-295701	9204	-\$210.00	\$7,017.40 <i>erasing fee</i>
05/18	25	11037383	19591/173/101	1202	\$50.00	\$6,967.40
05/19	218	60571978	12033/167/371	8007	\$20.00	\$6,947.40
		START	SUM OF	SUM OF	END	
		BALANCE	CHARGES	REPLENISH	BALANCE	
		\$6,497.40	\$910.00	\$1,360.00	\$6,947.40	

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